

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5010 of 2006

Between:

Pothala Ramachandraiah and others ... Petitioners

And

The Special Collector, Galeru Nagari Sujala

Sravanthi, Kadapa and 2 others.

...Respondents

ORDER:

Petitioners question the action of respondents 1 and 2 in showing the name of the 3rd respondent as owner of the houses in Sy.No.14/1, House No.153; Sy.No.14/1, House No.154; Sy.No.14/1, House No.155; Sy.No.14/1, House No.156 situated in Boddecherla (Main) Village, Gopavaram Mandal, Kadapa District in 4(1) notification dated

17.12.2005 and draft declaration dt.20.12.2005 is arbitrary, illegal, without jurisdiction and consequently direct respondents 1 and 2 not to pass award in the name of the 3rd respondent for the above mentioned houses.

The case of the petitioners is that before issuing draft notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') for acquiring lands for the purpose of Foreshore Submersion Area of Somasila Project, an enquiry has been made with regard to the requisition of the property to be acquired and in the requisition particulars the first petitioner is shown as owner of House No.153, the 2nd petitioner is shown as owner of House No.154, the 3rd petitioner is shown as owner of House No.155 and the 4th petitioner is shown as House No.156 in Sy.No.14/1 of Boddecherla (Main) Village, Gopavaram Mandal, Kadapa District. All the said houses are Madras Roofing Houses. But, while publishing notification under Section 4(1) of the Act in reference No.GNSS/D/421/200 dt.7.12.2005 dispensing with the enquiry under Section 5-A of the Act and also draft declaration under Section 6 of the Act in Form 5-A the name of the 3rd respondent was shown as owner of the said houses. The notification under Section 4(1) of the Act was published in Eenadu Daily on 17.12.2005 and the draft declaration under Section 6 of the Act was published in Varatha daily on 20.12.2005. It is stated that the 3rd respondent is not the owner of the said houses, but the petitioners are the owners and interested persons of the said houses in question and they are entitled for compensation.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue on behalf of respondents 1 and 2.

Under Section 9 of the Act, the Land Acquisition Officer shall issue a notice to all the interested persons claiming compensation. As there is rival claims with regard to the ownership and payment of compensation, the 2nd respondent is directed to issue notice to the petitioners as well as to the 3rd respondent as contemplated under

Section 9 of the Act to consider their claims and pass appropriate orders for payment of compensation while passing award under Section 11 of the Act.

The writ petition is accordingly disposed of. No order as to costs.

(V.ESWARAIAH, J.)

16.3.2006

Note: Issue copy within two days

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